

## **MINUTES OF THE MEETING OF THE BOARD OF MASSAGE THERAPY**

April 17, 2020

### **1. ROLL CALL**

The conference call meeting of the Board of Massage Therapy was called to order by Brian Allison, Chair, at 9:01 a.m. in Conference Room LU1, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

The following members answered roll call:

#### Members Present (4):

Brian Allison, Chair  
Steven Carper, Vice-Chair  
Mallory Carstens, Member  
Michele Helaney, Secretary

#### Others Present:

Natalee Hart, Assistant Attorney General  
Kris Chiles, Program Manager, Licensure Unit  
Heidi Weiland, Health Licensing Coordinator, Licensure Unit  
Carla Cue, Investigations  
Mark Meyerson, Investigations  
Trevor Klaassen, Investigations

A quorum was present and the meeting convened.

### **2. ADOPTION OF AGENDA**

**MOTION:** Helaney moved, seconded by Carper, to adopt the agenda. A voice vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: None (0). Motion carried.

### **3. APPROVAL OF MINUTES (2.7.20)**

This meeting was cancelled. (12.6.20 minutes need to be approved, deferred for the June meeting)

### **4. JUNE MEETING DATE (propose change to June 5)**

Board agreed to change the next meeting from June 12<sup>th</sup> to June 5, 2020.

### **5. UPDATES AND REPORTS**

#### a. 172 NAC, 81, 82, 83 Regulations Status:

Chiles reported Chapter 82 (establishments) and 83 (schools) had been combined into one chapter (82) as each original chapter had repeated similar language, specifically the inspection criteria. This chapter is currently being reviewed by legal; next step is Board of Health review.

#### b. COVID-19: Location for Information Relating to Closures, Press Releases, Executive Orders <http://dhhs.ne.gov/Pages/Coronavirus.aspx#SectionLink6>

Information can be found on the website for each profession. This provides a link to the most up to date information regarding Directed Health Measures (DHMs) and additional information on the Governor's home page <https://governor.nebraska.gov/>

The DHM signed by Governor Ricketts on 4.10.2020 directs all 93 counties..." All beauty/nail salons, barber shops, massage therapy services, gentlemen's clubs, bottle clubs, indoor theaters, and tattoo

parlors/studios are closed until April 30, 2020. This link can be found on the department's Massage Therapy Home page.

Public Member inquires:

- Question: If the county health department is more strict then the governor's DHM, who do we need to comply with?  
Answer: Must follow the stricter directive.
- Question: Is there a link for specific guidelines for each county.  
Answer: Yes, a link can be found on the Massage Therapy Home page. Chiles also suggested contacting the local county health department for further directives.
- Question: Will the board be discussing why massage therapy isn't considered a 'healthcare' profession, not personal services profession and grouped with other professionals that are not health care professionals.  
Answer: Helaney advised the board needs to discuss this and needs clarity on the position if they should be considered healthcare professionals. Chiles stated the board could schedule a conference call in the next few weeks to discuss before the next board meeting. All board members voiced their agreement and Chiles will set up another conference call to discuss.
- Question: Since MBLEx is not testing at this time, can temporary licensees have an extension on their license?  
Answer: Chiles will send the inquiry to upper management for guidance.

Helaney: if someone found an advertisement for practicing on social medial, who do they need to report to? Chiles advised to contact the department and county health department where the practice is occuring, to report this happening.

Press Releases – On 3/27/2020, Governor Ricketts signed an Executive Order 20-10 which suspends several statutes for specific health care providers. The Governor has daily press conferences addressing changes to the Directed Health Measure (DHM); links to these items can also be found on the Massage Therapy home page.

There are several statutory and regulatory suspensions and deferrals listed in the Executive Order (EO) 20-10. The EO only relates to the following professions: Advanced practice nursing, Emergency medical services, Medicine and surgery, Mental health practice, Nursing, Osteopathic medicine and surgery, Perfusion, Pharmacy, Psychology, Respiratory care and Surgical assisting.

However, there is an FAQ, that relates to home study continuing education for ALL professions under the Uniform Credentialing Act. For massage therapy, the current regulations limit the number of continuing education that may be earned through home study to 3 ethics hours. The FAQ states:

The Department will not enforce any limit on the number of continuing education hours obtained online or by home study for renewal or reinstatement of any type of license during the State Declaration of Public Health Emergency. The Department will be as flexible as possible for renewals that take place following the emergency. If licensees obtained online or home study CE hours during the emergency because in-person courses were not available, the Department will accept those CE hours even if the renewal (expiration date) for that profession takes place after the emergency has ended.

- c. 2020 Legislative Session: Session has been postponed
- d. Nebraska Chapter of the American Massage Therapy Association (AMTA) <http://www.amtane.org>
  - Sponsoring a StrengthsFinders CE Class (non-hands-on or ethics?)

All conventions cancelled. The cadaver lab has cancelled. Next virtual meeting is scheduled for 4.30.20.

Comments from the public:

- Upset that massage therapists are grouped with other professionals. That they are listed as 'parlors', upset with having to apply for unemployment, wanted to let others know if they decide to practice they may not be covered by insurance.
- Frustrated with the board meeting and agendas not being easily accessible on our website; possibly a Facebook page. Possibly a link on the Massage Therapy page for board information. Chiles will send suggestions to upper management for review.
- Inquiry about reflexology. Has the board talked about reflexology? What is the board's stance on reflexology. Carper responded: this information was supposed to be discussed at the February meeting which was cancelled.
- AMTA is pushing for reflexology as a certification, not a license, under their massage therapy license. Chiles stated the board can continue monitoring this issue. Possibly present to legislature as the senators and governor will ultimately make the decision. \*Next meeting agenda item: pre-planning/ideas about reflexology\*

StrengthsFinders CE Class: Representative from AMTA stated this is a professional and personal development class and they hope to still offer this class after the state of emergency but need board recommendations if this would be considered hands on or an ethics course. Chiles had reviewed it and stated it would be 6 hours with ½ credit for ethics. This course was supposed to be offered at the convention which has been cancelled and presented at the 2021 convention.

e. Federation of State Massage Therapy Boards (FSMTB) <https://www.fsmtb.org>

Carper received a letter from the Federation regarding exams. They are planning to discuss changing business practices. Pearson Vue exam locations have closed and plan to re-open 5.1.2020. If any student applied for an exam, the process has paused, new applications aren't being processed, there is a potential for an increase in the fee for the MBLEx but there are no additional charges for rescheduling exams after 5.1.2020.

f. Statistics: Examinations, Licensing, Administrative Penalties, Disciplinary and Non-Disciplinary Information, and School Reports

Chiles reported the following:

**Examination results since 1-1-19:**

MBLEx – 4 pass, 1 fail  
Jurisprudence (probation) – 1 pass  
Jurisprudence (reciprocity) – 12 pass, 1 fail

**Active License Statistics:**

Massage Therapist – 1413  
Massage Therapy Establishment – 555  
Massage Therapy School – 8  
Mobile Massage Therapy Establishment - 2  
Temporary Massage Therapist – 1

**6. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION**  
**CLOSED SESSION**

**MOTION:** Carper moved, seconded by Helaney, to enter into closed session at 9:44 a.m. to hear discussions of an investigational/confidential nature and for the prevention of needless injury to the reputation of the individuals. Allison repeated the motion and purpose. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

## **7. REVIEW AND RECOMMENDATIONS RELATING TO: APPLICATIONS, MAIL BALLOT VOTING RESULTS, AND REINSTATEMENTS**

### **OPEN SESSION**

**MOTION:** Helaney moved, seconded by Carper, to enter into open session at 8:47 a.m. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

Conviction Reviews:

Krista Frederick, Massage Therapist Initial Application:

**MOTION:** Helaney moved, seconded by Allison, to recommend issuance of the license with no terms and conditions. A roll call vote was taken. Voting aye: Allison, Carstens, Helaney (3). Voting nay: None (0). Absent: (0). Abstain: Carper (1). Motion carried.

Monica Macfee, Massage Therapist Initial Application:

**MOTION:** Helaney moved, seconded by Carper, to recommend issuance of the license with no terms and conditions. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

Operation without a Current License:

Anna Petersen-Welch, Massage Therapy Establishment Initial Application:

**MOTION:** Helaney moved, seconded by Allison, to recommend a 6 month probation, successfully pass the massage therapy jurisprudence examination within the first 90 days of issuance, and standard probationary terms and conditions. The Board also recommended an administrative penalty fee be assessed. This decision was based on practicing at a location with an expired establishment license. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: (0). Motion carried.

## **8. ADJOURNMENT**

There being no further business, Allison declared the meeting of the Board of Massage Therapy adjourned at 10:48 a.m.

Respectfully Submitted,

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Michele Helaney, Secretary  
Board of Massage Therapy

Minutes completed by Heidi Weiand, Health Licensing Coordinator